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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,131	12/26/2001	Debasis Majumdar	82906D-W	3375

7590 05/20/2004

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EXAMINER

KOPEC, MARK T

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### Period for Reply

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1) ☐ Responsive to communication(s) filed on \_\_\_\_.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) ☒ Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) 12-20 and 33-36 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-11, 21-32 and 37 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_.

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This action is responsive to applicant's amendment/remarks filed 4/2/04. Claims 1-37 are currently pending with claims 12-20 and 33-36 withdrawn from consideration.

Applicant's confirmed election of Species I (ionic conductor) is noted.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The prior art rejections over Delnick and Enlow are withdrawn in view of applicant's amendments and remarks. These references do not disclose or suggest aqueous compositions as claimed.

Claims 1, 3-11, 21-32, 37 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Zaleski (4,981,729).

This rejection is maintained for the reasons set forth at pages 6-7 of the Rejection mailed 1/13/04.

Claims 1-4, 9-11, 21-32, 37 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Winnik et al (5,378,574).

This rejection is maintained for the reasons set forth at pages 7-9 of the Rejection mailed 1/13/04.

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Claims 1, 3-8, 21-29 and 37 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schreiber et al (5,804,615).

This rejection is maintained for the reasons set forth at pages 11-14 of the Rejection mailed 1/13/04.

Applicant's arguments filed 4/2/04 have been fully considered but they are not persuasive.

With respect to each of the above rejections, applicant argues that each of the references teach varying amounts of organic solvent which are required, not just optional. Accordingly, applicant contends that the references do not teach water (aqueous) as a solvent as required by the instant claims.

The examiner does not dispute that the references require the presence of organic solvent. However, the examiner respectfully submits the instant claim limitations are met by the prior art. Specifically, the instant claims have been amended to recite "An aqueous composition..." (water containing). While water is required, the presence of additional solvent(s) is not precluded. Each reference clearly discloses the addition of water to the conductive compositions. Mixtures of water and organic solvent, as disclosed in these references, meet the claimed limitations of "aqueous".

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With respect to Shreiber teaching away from chlorinated polyolefin, the examiner respectfully submits that the reference teaches the addition of such materials (within any claimed amounts). See Col 4, lines 30-41.

In view of the foregoing, the above claims have failed to patentably distinguish over the applied art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Kopec whose telephone number is (571) 272-1319. The examiner

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can normally be reached on Monday - Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Kopec  
Primary Examiner  
Art Unit 1751

MK  
May 18, 2004